

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTHONY G. HERBERT,

Plaintiff,

v.

KING COUNTY, et al.,

Defendants.

Case No. C16-380 RSL-BAT

**ORDER DENYING MOTION TO
COMPEL**

In October 2016, plaintiff requested that defendants provide him with copies of various Department of Corrections' (DOC) policies, including policies relating to the Use of Force, Visiting, Restraints, and Inmate Grievances. Dkt. 42, Declaration of Richard L. Anderson, Ex. A. The restraint and use of force policies produced to plaintiff were plainly redacted and in a cover letter, plaintiff was advised that the policies had been redacted for security purposes. *Id.* Four months later, plaintiff requested defendants provide him with unredacted copies of the policies and when they refused, he filed a motion to compel on February 21, 2017. Dkt. 30. The discovery deadline expired on December 28, 2016. Dkt. 17. Therefore, plaintiff's motion to compel is not timely and may be denied on that basis alone.

In addition, plaintiff alleges that he is unable to fully respond to defendants' motion for summary judgment with the redacted copies of the policies. However, this is simply not the case. In his complaint, plaintiff alleges that, it was the policy of the King County Jail in January

1 of 2013 to use waist chains and handcuffs on administrative segregation inmates during visiting.
2 He claims that this use of restraint aggravated a pre-existing injury to his right arm because the
3 restraints limited his ability to hold the telephone up to his ear during a two hour visit. Dkt. 7.
4 The Court has reviewed the redacted restraints policy provided to plaintiff, his claims, and
5 defendants' motion for summary judgment. The existence of the policy and the fact that plaintiff
6 was placed in waist chains and handcuffs for his visit are not in dispute. Rather, the issue on
7 summary judgment is whether plaintiff has demonstrated deliberate indifference to his serious
8 medical needs. An unredacted policy is not necessary or relevant to proving this issue.

9 Accordingly, it is **ORDERED**:

- 10 1) Plaintiff's motion to compel (Dkt. 30) is **DENIED**.
11 2) The Clerk shall send a copy of this Order to plaintiff and counsel for defendants.

12 DATED this 15th day of March, 2017.

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15 BRIAN A. TSUCHIDA
16 United States Magistrate Judge
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